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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

COLOMBIA

V.87 83971 9225E

INTRODUCTION

The Government of the Republic of Colombia submitted its mandatory report, prepared for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, held in Nairobi in 1985, to the United Nations Committee on the Elimination of Discrimination against Women.

It now has the honour to supplement that document with an updated report on activities, legislation and measures taken by the Government as at December 1986.

Its presentation follows the articles of the Convention, signed by Colombia in July 1980 and ratified in January 1982, in order to set out the present, actual and juridical situation alongside the principles of the Declaration on the Elimination of All Forms of Discrimination against Women.

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PART I

ARTICLE 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

ARTICLE 1 - ACTION TO COMBAT DISCRIMINATION

Statement

Colombia is a democratic republic with a Constitution designed to guarantee freedom and equality for all individuals in the exercise of their rights.

Since the signing of the Convention new laws have been passed and some reforms have been introduced which have constituted a great step forward in the elimination of all forms of discrimination against women.

Colombia is undeniably a traditionalist country, with customs that imply a single identity and a single law, that is to say the same rights for all.

However, despite the fact that there are regulations protecting women in some areas, whether as individual subjects of law in the eyes of the State or as family members, in most cases these regulations are not applied in respect of all women in Colombia.

Their lack of appreciation of their social status or position with regard to their rights obliges women to stay on the margin of decision-making and prevents them from being on an equal footing with men.

There are regulations yet to be established and plans yet to be carried out which will help women to achieve a better cultural, social and legal position, but what is first of all required is to raise the consciousness of and to educate all women in Colombia and to inculcate in them an understanding of the law which supports them as individual members of a democratic State.

ARTICLE 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

ARTICLE 2 - LEGISLATIVE MEASURES AND IMPLEMENTATION

Statement

(a) Since it achieved independence, Colombia has had a number of constitutions, each of which in turn has been extensively modified.

The 1886 Unitary Constitution inspired by Rafael Núñez is the present effective constitution of Colombia, albeit with many subsequent amendments (principally 1910, 1936, 1945, 1957 and 1968).

The 1886 Constitution, as amended, which is currently in force, is liberal, democratic, presidential and unitary in character. The principal amendments relate to elections and suffrage and their main purpose has been gradually to establish equality of rights and obligations for all persons resident in Colombia.

Legal provisions

Title III of the current Constitution contains the following provisions:

"Article 16. The authorities of the Republic are established to protect all persons residing in Colombia, in respect of their lives, dignity and property, and to guarantee the fulfilment of the social obligations of the State and of individuals (article 9 of Legislative Act No. 1, 1936).

"Article 39. Every person is free to choose a profession or occupation. The law may stipulate requirements as to certification of qualification and may regulate the practice of professions.

"The authorities shall inspect professions and occupations with regard to matters of public morality, safety and public health.

"Article 41. Freedom of education is guaranteed. However, the State has the right to inspect and monitor public and private teaching institutions in order to ensure fulfilment of the social aims of education and improvement of the intellectual, moral and physical development of those being educated."

Application

The Constitution of Colombia, as the source of rights, seeks to protect the life, dignity and property of all persons resident on Colombian territory, without discrimination as to race, sex, occupation or religion.

The entire Constitution provides for equality of rights, the protection thereof by the State and the equality of men and women before the law. Therefore, under its Constitution Colombia does not accept any form of discrimination against women.

Statement

(b) Colombian legislation embodies the constitutional principles of equality between men and women in respect of civil matters, employment, commerce, etc.

The Colombian Civil Code, in Title I, begins by furnishing definitions of various terms such as man, person, child, adult and others, which apply generally to individuals of the human race, without distinction of sex, unless, because of the nature of the provision or the context, the term clearly refers to one sex only.

However, words such as woman, girl, widow and other similar terms referring to the female sex shall not apply to the other sex unless the law expressly extends them thereto.

Legal provisions

The Civil Code, Volume 1, Title 1, article 74, provides as follows:

"All individuals of the human species, regardless of their status, are deemed to be persons."

With regard to the explanation, clarification and definition of concepts covered by this legal provision, article 8 of the Colombian Penal Code states: "The criminal law shall apply to persons regardless of any considerations different from those established therein."

Article 10 of the Substantive Labour Code states: "All workers are equal before the law and have the same protections and guarantees. Consequently, any legal discrimination ... shall be abolished."

Application

From the legislative standpoint, Colombia takes a broad view of legal equality between men and women and the law is generally applied without distinction as to sex. All supplementary legal provisions must therefore be based on Colombia's constitutional principles.

Statement

(c) Since it is clear that Colombian substantive law does not allow for any discrimination against women, the applicability of this law by the jurisdictional procedures specified in the respective procedural codes guarantees that, in matters brought before this jurisdictional branch, decisions, judgements and findings must be based on the substantive law as set out in the Code of Civil Procedure.

Legal provisions

Article 4 of the Code of Civil Procedure provides as follows:

"Interpretation of procedural rules. When interpreting procedural law, the judge shall bear in mind that the purpose of the proceedings is to give effect to the rights recognized by the substantive law. Doubts which arise in the interpretation of the rules of the present Code shall be resolved by application of the general principles of procedural law so that the constitutional guarantee of due process is fulfilled, the right to a defence is respected and the equality of the parties is maintained."

Application

When other public institutions undertake to settle a dispute outside the courts, their conciliation, compromises and settlements are governed by the substantive law.

In Colombia there is a Labour Office (attached to the Ministry of Labour) whose task is to assist in settling outside the courts cases affecting workers.

There are also legal advice bureaux, supervised and monitored by the Ministry of Justice, for the settlement of all kinds of legal disputes, which are subject to limitations established by law with regard to competence, amounts and other matters.

Statement

(d) The Colombian authorities have the constitutional obligation to protect the rights and freedoms of all persons residing in Colombia, as provided in article 16 of the National Constitution.

Legal provisions

Article 20 of the National Constitution provides as follows:

"Individuals are accountable to the authorities only for infringements of the Constitution and the laws. Public officials are similarly accountable and are also accountable for any abuse of their powers or failure to exercise them."

Application

Any person residing on Colombian territory may have recourse to the Department of the Public Prosecutor, which is responsible, through the Chief Public Prosecutor and his representatives, for monitoring the official conduct of public employees and for furthering the execution of laws, judicial decisions and administrative regulations.

With specific reference to the protection of women's rights vis-à-vis the State, an Office of Human Rights has been established to which women may complain if they consider that their rights have been violated because of their sex.

Statement

(e) The Colombian State, being free and democratic, provides for the freedom to form enterprises and organizations, provided that such associations do not violate the Constitution or the substantive laws enacted under the country's legal system.

Legal provisions

Article 44 of the National Constitution provides as follows:

"The formation of companies, associations and foundations which do not contravene morality or the legal system is permitted. Associations and foundations may obtain recognition as entities having legal personality."

Statement

(f) It is the task of the branches of government to develop, amend or amplify the national legislation. One example of this is Decree 2820 of 1974 establishing equality of rights and obligations for women and men, as amended by Decree 772 of 1975.

Legal provisions

Article 70 of Decree 772 provides as follows:

"Any provisions contrary to this law are hereby repealed."

Application

In establishing governmental programmes for the elimination of discrimination against women in Colombia, account is being taken of the practices and customs in the region where the programmes are to be implemented. One such programme of the

Ministry of Agriculture ("Policy on rural women in the development of agriculture") has as its general objective modification of the present conditions of economic and social participation by rural women by making their productive work more efficient, increasing the supply of foodstuffs and enhancing the quality of life of women and their families.

Given the constitutional freedom in Colombia to form groups or associations, the State has not hindered the creation of non-governmental institutions whose various programmes include assistance to women by provision of training, advice or services with a view to achieving equality with men, thereby bringing about changes in the customs and practices which constitute de facto discrimination against women.

Statement

(g) Any discrimination against women which may be contained in any of the substantive or procedural provisions of the Penal Code shall be considered contrary to the Constitution and the law and shall therefore be inapplicable. The need has been felt, however, to establish, within the framework of the Code of Criminal Procedure, an independent jurisdiction responsible for receiving, processing and investigating offences affecting the life, personal integrity, freedom and sexual modesty of women.

There is also a need for a suitable agency to conduct the medical and legal investigations required in the case of such offences.

Legal provisions

Title XI of the Penal Code covers offences against sexual modesty and freedom as follows:

Title 1 - rape (articles 298 to 300).

Title 2 - carnal knowledge through seduction (articles 301 to 302).

Title 3 - acts of sexual abuse (articles 303 to 305).

Title 4 - provisions common to the preceding chapters (articles 306 to 307).

Title 13 - offences against life and personal integrity (articles 323 to 330).

Chapter 5 - procuring (articles 308 to 312).

Application

These offences are currently brought before the criminal courts, within whose competence they lie. The proceedings are slow and delayed since these courts also have to deal with all the other offences covered by the Penal Code.

For investigation of offences of this kind to begin, the victim must undergo a forensic medical examination to assess the disability caused by the offence and to determine the offence itself.

The examination is virtually always carried out by a general practitioner who also deals with all cases referred to the Institute of Forensic Medicine.

ARTICLE 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

ARTICLE 3 - RIGHTS OF WOMEN

Statement

Colombia has adopted appropriate legislative measures in the social, political, economic and cultural fields. Nevertheless, despite the existence of legal protection, tradition, practice and custom continue to hinder women in obtaining equality with men.

Legal provisions

It was against this background that the Government, by Decree 367 of 1980, established the Colombian Council for the Integration of Women in Development as a specialized agency for the integration of women in development, attached to the Office of the President of the Republic. In addition to providing advice and guidance for policies and programmes concerned with women, aimed at increasing their participation in national life, it also is responsible for co-ordination and liaison with other state, private, national and international bodies. Moreover, in accordance with the policies of decentralization, Decree 367 of 1980 provided for the establishment of Sectional Councils attached to the local governor's, mayor's or police offices.

Application

Between 1980 and 1982 the Council had the support of the President of the Republic in all activities carried out as the representative of the President and it had the logistic support of the Office of the General Secretary to the Presidency.

From 1984 to 1987 the activities of the Colombian Council for the Integration of Women in Development have been very much restricted and the Council now acts only as a legal consultancy service. It is hoped that the new Government of President Virgilio Barco will establish new policies and priorities for women in the administrative reform it is undertaking.

ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

ARTICLE 4 - TEMPORARY DISCRIMINATORY MEASURES IN FAVOUR OF WOMEN

Statement

1. No measures of a temporary nature designed to accelerate de facto equality between men and women may be adopted in Colombia. This is because the spirit of the law is to limit its scope of application, bearing in mind the date of promulgation, although it is unlimited with regard to its duration.

A law ceases to be in effect only when it is repealed.

The political parties frequently establish exceptions in favour of women, giving them a special proportion of representation in the women's sections presented to elections or conventions.

The Government of Dr. Alfonso López instructed the Ministry of Home Affairs to appoint a very large number of women governors.

President Belisario Betancour instructed his ministers to appoint women deputy ministers.

Statement

2. The legislative provisions contained in Chapter V of Title 7 of the Substantive Labour Code establish special regulations for the protection of maternity and the protection of minors without being discriminatory.

Legal provisions

Chapter V of the Substantive Labour Code.

Article 236 - paid leave at the time of birth.

Article 237 - paid leave in the event of abortion.

Article 238 - paid leave during breast-feeding.

Article 239 - prohibition of dismissal.

Article 240 - permission for dismissal.

Article 241 - nullity of dismissal.

Article 242 - prohibited work.

Article 243 - non-performance.

Article 244 - medical certificates.

ARTICLE 5

States Parties should take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

ARTICLE 5 - ACTION TO MODIFY SOCIAL AND CULTURAL PATTERNS OF CONDUCT AND UNDERSTANDING OF MATERNITY AS A SOCIAL FUNCTION

Statement

The Colombian Government is using state-supported communal boards to develop plans for communal and social integration. The aim of these plans is to enable women to occupy a position of leadership and representation in their group or community.

Statistically, women's participation in community representation has increased substantially and a position of balance has been achieved in this area.

Legal provisions

The adoption of the "Mayors' Law" in 1986, under which mayors must be elected by a popular vote, marked the beginning of action by women within the various political groups to promote their representation, with a view to creating political leadership and solidarity so that women might vote for women and support women leaders in the various municipalities of Colombia.

Statement

(b) With a view to guaranteeing family education, programmes have been established, with the support of the Ministry of Education, to make each family member aware of his or her rights and obligations. In the area of the humanities, academic curricula contain materials on this subject, which is compulsory, as are courses on behaviour and health.

In the community, the Family Education Division of the Colombian Institute of Family Welfare is carrying out family education and information projects, in addition to furnishing guidance and treatment.

Between 1887 and 1968 various regulations were adopted and institutions were established by the Government to deal with the most pressing needs of Colombian families. Notwithstanding these efforts, none of the agencies or departments established, such as the Minors Division of the Ministry of Justice and the National Institute of Nutrition, succeeded in filling the gap which existed in the protection of and the provision of services for minors. The Colombian Institute of Family Welfare was therefore established to replace and supplement the activities and objectives of the institutions, with the aim of ensuring social and affective stability for the family and for minors.

Legal provisions

The Colombian Institute of Family Welfare was established by Law 75 of 1968, implemented by Decree 398 of 1969.

Law 27 of 1974 established the Pre-School Comprehensive Care Centres (CAIPS) and required public agencies and private enterprises to pay 2 per cent of their monthly payroll to the Colombian Institute of Family Welfare. Law 5 and Decree 752 were promulgated in 1975 to give the Institute the power to implement the adoption programme.

Law 7 of 1979 set standards for child protection and established the National Family Welfare System.

These provisions were supplemented by Decree 2388 of 1979 implementing Law 75 of 1968, Law 27 of 1974 and Law 7 of 1979.

Decree 334 of 1980 approved the statutes of the Colombian Institute of Family Welfare, which were amended by Decree 1484 of 1983, while Decree 3488 and Resolution 3445 of 1983 defined the Institute's organizational structure.

Law 55 of 1985 established regulations for administration of the State's finances and required the Colombian Institute of Family Welfare to carry out programmes for the protection of minors and the family.

Decree 2480 of 1985 established new procedures for the collection of the 2 per cent employers' contributions established by Law 27 of 1974, which would continue to be effected through the Compensation Funds and the Agrarian Fund.

Application

For the implementation of these programmes emphasis was placed on family education and community participation, which generated considerable support for the development of new attitudes towards minors and the family.

Day by day, child care homes have helped to further progress in the community. They are a starting point for the development of initiatives and programmes of a community nature with reference to minors and the family and are bringing about changes in attitude within the community.

ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

ARTICLE 6 - MEASURES TO SUPPRESS PROSTITUTION

Statement

Chapter 5 of the Colombian Penal Code prohibits, and lays down penalties for, enticement into prostitution.

Legal provisions

Article 308 of the Colombian Penal Code provides as follows:

"Anyone who induces an honest person to take part in carnal trade or prostitution, for profit or to satisfy the desires of others, shall be subject to the penalty of ..."

Article 309 provides:

"Forced participation in prostitution. Anyone who constrains an honest person to participate in carnal trade or prostitution, for profit or to satisfy the desires of others, shall be liable to imprisonment for ..."

Chapter VIII of the National Police Code also deals with prostitution. It defines prostitution and provides in article 178, paragraph 2: "The State shall use all available means of protection to prevent prostitution and to facilitate rehabilitation of prostitutes."

Article 182 of the Police Code specifies the treatment to be provided in cases of venereal disease and provides that "medical treatment of venereal diseases is compulsory and treatment given in an official institution shall be free of charge, as shall be the drugs administered".

Application

The agency responsible for medical care for the treatment of venereal diseases is the Ministry of Health. However, the drugs required for this type of disease are difficult to obtain and the work of the Ministry is very frequently hindered.

At present there is no governmental body responsible for the rehabilitation of prostitutes and efforts have been made by non-governmental and religious bodies to overcome this lack.

PART II

ARTICLE 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

ARTICLE 7 - MEASURES TO ELIMINATE DISCRIMINATION IN POLITICAL AND PUBLIC LIFE

Statement

(a) In Colombia's first constitutions, suffrage was restricted for economic, cultural, racial and sex reasons.

It was not until 1936 that universal direct suffrage was introduced for men, including illiterate persons, and it was only much later (in 1957) that these political rights were extended to women.

The voting age was lowered from 21 years to 18 years, both for men and for women, in 1975.

As far as equality is concerned, in Colombia suffrage is universal and equal, regardless of sex. Since suffrage was extended to women in 1957 their participation in voting has increased appreciably.

The political right to vote is reflected in the ability of citizens to participate in the election of the President of the Republic, of members of the Senate, the Chamber of Representatives, the regional assemblies and the municipal councils and of the mayors.

Legal provisions

Article 171 of the National Constitution provides as follows:

"All citizens shall directly elect town councillors, Governor's Counsellors, deputies to the departmental assemblies, representatives, senators and the President of the Republic."

Application

To conclude, suffrage in Colombia may be said to be officially universal and equal, although in reality quite a few citizens are unable to exercise their right to vote for reasons such as: problems in reaching the voting place, ignorance concerning the elections, lack of identity documents or abstention because they do not agree with the party representative. Voting is not compulsory.

Statement

(b) In Colombia there are no regulations preventing women, because of their sex, from participating or playing an active role in public offices or exercising public functions at all levels of government.

The requirements specified in the Constitution for the performance of such tasks relate to level of education, age or other conditions applicable to all persons generally.

Legal provisions

The National Constitution establishes the conditions and requirements for holding elective office:

Article 115 - requirements for election as president of the Republic.

Article 94 - requirements for election as senator.

Article 103 - powers of the chambers.

Article 185 - election to the assemblies.

Article 76 section 7 - powers of the assemblies.

Article 197 - powers of the municipal councils.

Article 196 - election of the municipal councils.

Application

In the 30 years since women were granted civil and political rights, their participation and representation in collegial bodies and in official posts has increased considerably.

The situation of women in public positions and representative posts suffered in the last elections. The results for women were completely negative for various reasons. Unfortunately, this continues to be a handicap to women's progress in Colombia.

Statement

(c) Freedom to form companies, associations and foundations is a constitutional principle on the basis of which various non-governmental organizations have been set up whose programmes have helped greatly to promote equality of women in the application of rights vis-à-vis men.

Legal provisions

Article 44 of the National Constitution provides that:

"The formation of companies, associations and foundations which do not contravene morality or the law is permitted. Associations and foundations may obtain recognition of their status as legal entities."

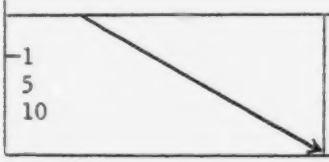
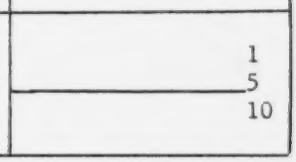
Application

Non-governmental agencies or organizations carry out plans or programmes having specific aims: information, training, substantive activities, etc. Depending on their basic principles, these operate in the different social and geographical classes of the country. These bodies receive no economic support from the Government either for their operation or for the implementation of their programmes.

Statistics

During the Decade for Women there were seven women ministers, 15 women governors, four women local governors, six women heads of administrative departments, six women superintendents of State agencies, 18 women heads of decentralized institutes, three women administrators of semi-State companies, two women public prosecutors, seven women presidential advisers and numerous women mayors.

Statistical data

Ministers of State	Governors	Admin. Decentr. Inst.	Superintendents
1984 - 1987	1984-1987	1984 - 1987	1984 - 1987
2 1	2 3	6 4	1 1
PERCENTAGE			
15% - 7.5%	8.6 - 15%	12.5% - 8.6%	16.6% - 0
BALANCE			
DOWN	UP	DOWN	LEVEL
GRAPH			
			

Percentage political representation by women per region = 100%

1982-1984-1987

Department	Departmental assemblies			Local governor's councils		
	1982	1984	1987	1982	1984	1987
Antioquia	20.6	15.5	8.0	24.8	22.9	18.9
Atlantico	22.1	20.8	9.1	18.7	20.8	17.0
Bogotá	24.6	22.3	11.8	25.5	25.3	16.9
Bolivar	23.6	23.6	15.9	24.4	25.5	18.9
Boyacá	13.5	11.8	6.3	12.4	11.2	5.9
Caldas	16.8	17.15	12.5	19.9	10.9	7.4
Cauca	18.9	11.8	9.8	12.5	11.9	8.9
Cesar	16.7	17.9	11.7	15.7	13.6	10.9
Córdoba	13.6	11.9	9.0	11.9	14.9	11.9
Cundinamarca	19.9	19.8	11.7	22.3	19.8	14.6
Chocó	9.8	11.9	8.9	11.9	9.8	6.4
La Guajira	7.9	9.9	7.6	12.6	11.8	5.4
Huila	6.9	11.0	9.8	11.9	11.8	10.9
Magdalena	11.9	19.8	10.4	11.8	11.8	7.3
Meta	7.8	9.8	6.6	9.8	9.6	8.6
Nariño	8.9	9.9	8.5	9.1	9.0	7.8
N. Santander	6.7	11.9	9.9	15.8	18.9	11.0
Quindio	11.0	11.1	9.7	10.9	11.2	9.8
Risaralda	10.8	11.9	8.9	11.2	13.9	10.9
Ssntander	18.9	17.5	17.0	10.8	11.8	10.9
Sucre	10.8	9.8	8.7	11.9	10.9	9.0
Tolima	12.3	11.8	11.9	18.9	13.9	11.9
Caquetá	10.8	10.1	8.09	9.07	9.05	9.07
Valle	18.9	19.8	17.9	18.6	16.7	17.8

Note: There has been a large drop this year in women's representation at the departmental level.

ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

ARTICLE 8 - GUARANTEED REPRESENTATION OF WOMEN AT THE INTERNATIONAL LEVEL (UN-OAS)

Statement

Under the Constitution women in Colombia may represent their government at international level and participate in the work of international organizations on equal terms with men. Nevertheless, there are still very few women heads of missions or ambassadors. At the second and third levels of command there has been an increase in the proportion of women appointed (adviser, second secretary, vice-consul, etc.).

ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien or change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

ARTICLE 9 - EQUALITY WITH REGARD TO NATIONALITY, WITHOUT AUTOMATIC CHANGES FOR WOMEN AND CHILDREN

Statement

1. In Colombia the question of nationality is governed by Title II of the National Constitution, which establishes equality for men and women.

Legal provisions

Article 9 of the National Constitution determines the conditions of Colombian nationality and the loss thereof.

Article 9: "A person ceases to have the status of Colombian national upon acquiring naturalization papers in a foreign country and establishing domicile abroad. This status may be recovered in accordance with the law."

Application

In none of its articles does the National Constitution provide for loss of nationality by the woman through marriage with an alien or in the event that the husband changes his nationality during the marriage.

Statement

2. The National Constitution guarantees women the same rights with respect to the nationality of their children.

Legal provisions

Article 8 of the National Constitution provides:

"The following are Colombian nationals:

(1) By birth:

(a) Natives of Colombia who fulfil one of the following conditions: the father or mother was a native or national of Colombia or they are children of foreigners domiciled in the Republic;

(b) Children of a Colombian father or mother born outside the country and subsequently domiciled in the Republic.

(2) By adoption:

(a) Foreigners who seek and obtain naturalization papers;

(b) Spanish Americans and Brazilians by birth who, with the authorization of the Government, apply for registration as Colombians to the municipal authorities in the place where they settle."

PART III

ARTICLE 10

States Parties should take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

ARTICLE 10 - EQUAL RIGHTS TO EDUCATION AT ALL LEVELS AND ACCESS TO NON-DISCRIMINATORY CURRICULA AND TEXTBOOKS

General statement

The National Constitution provides legal support for the guarantee of education for all inhabitants of Colombia without discrimination on grounds of sex.

Legal provisions

Article 39 of the National Constitution states:

"Every person is free to choose a profession or occupation. The law may require written evidence of qualification and may regulate the practice of professions.

The authorities shall inspect professions and occupations with regard to matters of public morality, safety and health."

Article 41 sets out the following:

"Freedom of education is guaranteed. However, the State shall reserve for itself the right to inspect and monitor public and private teaching establishments to ensure compliance with the social requirements of the education and of the intellectual, moral and physical training of those being educated." The Colombian State utilizes 20.77 [per cent] of the national budget for education and 4.42 [per cent] for investment.

Application

Legislation on education deals with policies, the content of programmes, administration, teaching personnel, premises and equipment, financial organization, etc. There have been very frequent changes and one of the effects of these changes, with reference to women, has been the gradual removal of obstacles which prevented access to some levels or limited it to specific areas. Women have played a very important role in education but, paradoxically, as a result of discriminatory policies, it must finally be said that, while access by women to education is now legally unhindered at all levels, in practice, despite the enormous progress achieved in recent decades, women have not achieved equality in all respects.

There is no discrimination or differentiation between the sexes with regard to access to centres of education or educational opportunities. This equality is enshrined in Decree 089 of 1976, which establishes that all individuals are entitled to education and that there are equal conditions of access to teaching institutions, including universities and technical and vocational schools, and equal conditions of study in such institutions. The range of studies and the examinations are the same, the teaching personnel is of the same professional standard and the premises and equipment are of the same quality, whether the educational establishment is for females, males or both. The Government programmes for widespread radio and television education have yielded excellent results and there has been an appreciable increase in the proportion of women in universities and technical schools, in many instances exceeding the number of men.

The situation regarding education in rural areas is different, however, and this is due to the manner of implementation of article 16 of the Convention.

To conclude it can be said that education provides equal opportunities for women and men.

There are no discriminatory standards, apart from the rural or family tradition of giving precedence to male children.

In urban areas, and particularly in the large towns, girls and young women make up the largest proportion of the student body and, consequently, their drop-out rate for various reasons is also greater.

There is still some discrimination in the universities, e.g. in the medical faculties where, even though they are allowed admission, women find some barriers placed in their way, on the ground that it is a long and expensive course of study which young women generally abandon to marry. Colombia nevertheless possesses a certain number of women doctors dedicated to the provision of health services, although they are far fewer in number than their male colleagues.

The situation is the same in the engineering field, albeit for different reasons (women regard careers in engineering as being difficult).

Women of limited economic means have to overcome not only male chauvinism, but also class barriers, because private universities are generally expensive and elitist.

There is still room for the Colombian Ministry of Education to take steps to modify the content of educational textbooks in order to eliminate male and female stereotypes.

Statistics

Table No. 1 indicates the educational standard on the basis of the proportions of literacy and illiteracy as at 1983. The percentages for all the geographical regions of Colombia total 100.

Table No. 2 indicates the level of education achieved as at 1983. The data are based on a scale of 10 per cent.

Both tables show a considerable increase in 1983.

Table No. 1

Educational status 100%
(1983)

Region	Illiteracy	Literacy
Atlantic	18.5	80.5
Eastern	13.4	85.6
Central	10.8	88.2
Pacific	12.7	87.0
National "Intendencias"	13.5	86.5
Territories "Comisarías"	19.7	80.3

Table No. 2

Levels of education
(1983)

Region	Nil	Primary	Secondary	University	No details
Atlantic	15.1	27.9	23.7	3.2	2.2
Eastern	10.9	48.6	21.1	2.6	2.2
Central	9.4	47.0	25.3	3.4	1.9
Pacific	9.7	46.6	22.8	3.5	1.8
Bogotá, D.E.	3.3	33.0	38.8	11.6	1.2
National	13.9	56.6	19.0	1.3	9.2
Territories	14.0	53.7	23.8	1.9	6.5
Total	10.0	41.4	25.6	4.4	2.0

Based on a proportion of 10 per cent.

ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

ARTICLE 11 - EMPLOYMENT

Statement

(a) The right to work is covered by the Constitution.

The exercise of this right, the remuneration of labour and the guarantees relating thereto are dealt with in the Substantive Labour Code.

Legal provisions

Article 39 of the National Constitution provides as follows:

"Every person is free to choose a profession or occupation. The law may require written evidence of qualification and may regulate the practice of professions.

The authorities shall inspect professions and occupations with regard to matters of public morality, safety and health."

Statement

(b) The Constitution guarantees equality for all persons residing on Colombian territory and this is implemented by the provisions of the Substantive Labour Code.

Legal provisions

Article 10 of the Substantive Labour Code provides:

Article 1: "All workers are equal before the law and have the same protection and guarantees and, consequently, there shall be no legal discrimination between workers on the grounds of the intellectual or material nature of the task, its form or remuneration, except as provided by law."

Application

If we look at the actual situation with regard to the employment position of women in Colombia we see that, despite equality of wages for women and men, particularly in rural areas, the practical results expected from the improvement of the quality and standard of living of women and their families have been cruelly reduced by the deterioration in the purchasing power of the currency, which simply cancels out the efforts made in this regard.

Unemployment is felt more strongly by women in urban areas, with, however, the great difference that women can take on home-based work and even subsidiary employment in order to meet their minimum subsistence needs.

It is precisely in those activities which are held to be the exclusive domain of women (cooking, dressmaking, cleaning and domestic service) that the lack of protection and the exploitation of labour are greatest. This is despite the fact that there are special regulations to protect women, such as the ban on employing women in underground activities or in dangerous and unhealthy work requiring major effort.

Law 73 of 1966 states in article 9: "Regardless of age, women may not be employed at night in any industrial enterprise, except in the case of an enterprise employing only the members of a single family."

Social necessity and the economic imbalance have made this rule less effective and a considerable number of women work at night, contrary to the law. Otherwise they would swell the ranks of Colombia's unemployed.

Culturally, domestic work has been assigned to women as their fundamental role and the concept of "serving others" has been extended to become their natural condition. When the housewife delegates some of her domestic responsibilities to another woman in return for remuneration, domestic work becomes paid work. This takes two forms in Colombia: the employee either lives in her employer's home or she comes to the home daily to work.

This type of work establishes relationships that combine working relations with emotional and personal relations. So-called "good treatment" and the fact that the employee's place of work is the place where she lives, albeit in a physical area different from that of the family, are among the factors which contribute to its development. Moreover, the employee who has just left her family and has therefore suffered a cultural uprooting transfers her emotional relations to members of her "substitute home". Affection is allowed, provided it does not go beyond class boundaries, i.e. affection within the framework of social differences.

In 1986, a bill was submitted to Congress which, in general terms, sought to achieve better working conditions for domestic service by specifying working hours, rest periods, benefits, remuneration, service guarantees and, in general, a balance between work done and pay received. Likewise, institutional and governmental protection was sought whereby the woman providing domestic service would, as far as her rights and duties are concerned, be treated as a worker, so that the employer's word would no longer be the only valid one. Unfortunately, owing to the lack of legal support, this bill was not passed.

To conclude, there is unfortunately, apart from a few scattered regulations, no specific and binding legislation in the Substantive Labour Code which affords women working in domestic service the following protection:

1. Occupational accidents and illness, first aid and emergency treatment.

2. Working clothes and footwear every four months.

3. Severance pay of two weeks' wages in cash per year of service.

4. Non-occupational illness, treatment and pay for one month.

5. Unlimited working day.

6. Two-week trial period.

7. Compulsory rest period, with entitlement to pay or time off in lieu.

Time off on Sundays and on public holidays, funeral expenses, notice and holidays are treated in the same way as in the case of all other workers. However, as a general rule, these benefits are ignored and are neither sought nor granted. A bill to regulate work in domestic service is to be submitted this year.

Statistics

Table No. 3 indicates the proportion of the labour force made up of men and women, department by department, with a total of 100 per cent.

Compared with men, women account for a small percentage of the labour force.

Table No. 3

Share of the labour market (by sex)
(1985)

Department	Men	Women
Antioquia	70.5	27.7
Atlántico	60.8	27.2
Bogotá	70.0	40.3
Bolivar	60.5	25.2
Boyacá	63.0	29.5
Caldas	73.8	25.0
Cauca	67.8	32.8
Cesar	67.4	27.4
Córdoba	60.7	26.3
Cundinamarca	69.1	33.1
Chocó	60.4	41.8
La Guagira	63.4	28.7
Huila	72.3	33.6
Magdalena	58.9	24.2
Meta	72.5	36.6
Nariño	70.1	36.4
N. Santander	72.1	31.9
Quindio	73.1	26.5
Risaralda	74.1	26.7
Santander	71.4	36.7
Sucre	61.7	25.2
Tolima	68.7	29.7
Caquetá	73.1	37.3
Valle	69.6	30.3

Table No. 4

Share of the labour market (women)
(1973-1985)

Department	1973	1985
Antioquia	19.1	27.7
Atlántico	25.8	27.2
Bogotá	33.2	40.3
Bolivar	21.3	25.2
Boyacá	16.5	29.5
Caldas	17.3	25.0
Cauca	18.8	32.8
Cesar	21.6	27.4
Córdoba	19.1	26.3
Cundinamarca	16.4	33.1
Chocó	41.2	41.8
La Guagira	24.5	28.7
Huila	18.5	33.6
Magdalena	21.7	24.2
Meta	20.1	36.6
Santander del Norte	25.5	36.4
Quindio	19.0	31.9
Risaralda	18.5	26.5
Santander	20.0	26.7
Sucre	20.5	25.2
Tolima	18.5	29.7
Caquetá	14.6	37.3
Valle	23.1	30.3

Statement

(c) The Substantive Labour Code guarantees complete freedom to work to all persons living on Colombian territory.

Legal provisions

Article 11 of the Substantive Labour Code provides:

"Every person has the right to work and is free to choose an occupation or profession, within the framework of the provisions of the Constitution and the law."

Application

This constitutional principle of freedom to work is the basis of absolute equality between men and women. Nevertheless, the proportion of women in high-level posts in banks and financial institutions was relatively low at the president and general manager level in 1981. Furthermore, the 18 largest private enterprises in Colombia have very few women presidents or managers. Journalism is another area in which women are poorly represented at managerial level and only 7.3 [per cent] of the directors, managers and editors of the main newspapers are women, whereas a third of such posts are occupied by women in the organization of the main magazines.

There are no women presidents or general secretaries of trade unions and no women at similar levels in the commercial, industrial, agrarian or other federations and associations in the private sector.

In 1982, the proportion of women in high-level posts in the private universities was 3.6 per cent. This figure has altered only very little.

With regard to the right of access to vocational training and apprenticeship, the Colombian State set up the National Apprenticeship Service (SENA) with the task of promoting teaching programmes to enable workers to acquire a higher level of educational and vocational competence.

Law 188 of 1959 governing the terms of the apprenticeship contract provides as follows:

"Article 1. The apprenticeship contract is the agreement whereby an employee undertakes to render service to an employer in return for the provision by the latter of the means of acquiring methodical and comprehensive vocational training in the skill or occupation for which he has been contracted for a specified time and for agreed remuneration."

Initially, SENA established training programmes for people supported by a contribution from the enterprise's capital. Such programmes have now been extended to all individuals, without the need for a contribution from the enterprise.

Enterprises whose capital exceeds a level established by law must assist both their own employees and persons who have no working relationship with the enterprise.

The proceeds of any fines imposed by the Labour Office on owners of enterprises for failure to fulfil labour contracts or for attempting to avoid any verification procedures or inspection visits shall go to SENA, which will take steps to collect the money.

In order to supplement the educational assistance that enterprises must provide for their workers, enterprises which possess a certain amount of capital, determined by law, and which are situated more than two kilometres from localities in which there are official schools are obliged, if there are at least 20 children of school age there, to establish primary schools. The shortcomings encountered in practice in this regard have been offset by the Family Compensation Funds, to which enterprises have to affiliate their workers. These funds provide workers and their families with a variety of useful services, including education.

Statement

(d) The conditions of and guarantees for workers are also covered by the substantive law.

Legal provisions

Article 143 of the Substantive Labour Code provides:

"1. Equal work performed at the same task in the same working time and in an equal job in an equal working day and under equal efficiency must give entitlement to equal pay, including all the elements referred to in article 127.

2. There may be no difference in pay for reasons of age, sex, nationality, race, religion, political views or trade union activities."

Application

There is a real imbalance in the case of women employed in domestic service, since article 252 of the Substantive Labour Code gives them entitlement to only half of the social benefits.

In this respect, the bill submitted to Congress provided a good solution.

Statement

(e) and (f) Article 193 of Title VIII of the Substantive Labour Code governs employers' common contributions.

Legal provisions

Article 193 of the Substantive Labour Code provides:

"1. All employers are obliged to pay the contributions specified in this Title, subject to the exceptions set out herein.

2. These contributions shall cease to be the responsibility of employers when the risk involved is assumed by the Colombian Institute of Social Insurance in accordance with the law and subject to the regulations laid down by said Institute."

The basic social benefits are those which must be paid, in general, by all enterprises or employers and therefore benefit the great mass of paid workers, both men and women, in urban areas and in rural areas.

These are:

(a) Sunday off work with pay.

(b) Paid annual holidays.

(c) Severance assistance.

(d) Compensation for industrial accidents or occupational illness.

(e) Financial aid in case of non-occupational illness.

(f) Footwear and overalls.

(g) Funeral expenses.

(h) Moving costs.

(i) Service bonus.

The special benefits which were formerly those that only the large enterprises had to provide have gradually been assumed by the Institute of Social Insurance and now cover all workers. These benefits are:

(a) Retirement pension.

(b) Retirement pension for heirs.

(c) Disability assistance.

(d) Medical assistance for non-occupational illness.

(e) Medical assistance for pensioners.

(f) Conversion of disability assistance into a pension for life.

(g) Funeral expenses for pensioners.

(h) Occupational illness benefits.

(i) Maternity benefits.

Law 12 of 1975 made some interpretations and clarifications and the word "widow" has been replaced by "surviving spouse", so that both men and women may pass on a pension right.

Application

This law was extended to cover the "life partner" in order to reflect this social phenomenon in the labour field which could not be ignored in such an important area as pensions.

Individual workers, both men and women, are protected by the Institute of Social Insurance, family compensation funds, mutual societies, employees' funds and the family assistance fund.

People working in the service of the State at all levels are covered by the National Social Security Fund, the Sectional Social Security Funds, Social Insurance, the National Savings Fund, SENA and other independent funds such as CAPRECON, the Armed Forces Fund and the National Police Fund for retirement pensions from the national police and the armed forces and the Military Hospital and Police Clinic, among others.

Statement

2(a) to (d) The Substantive Labour Code includes provisions to protect women against discrimination because of maternity.

Legal provisions

Article 239 of the Substantive Labour Code provides:

"1. No worker may be dismissed because of pregnancy or lactation.

2. It is assumed that dismissal is because of pregnancy or lactation if it takes place within the period of pregnancy or within three months of birth, without the authorization of the authorities as set out in the following article.

3. A worker dismissed without authorization by the authority shall be entitled to payment of compensation equivalent to 60 days' remuneration, in addition to any compensation or benefits which may apply in pursuance of the labour contract, and also to payment in lieu of up to eight (8) weeks of paid leave, as referred to in this chapter, if the leave has not been taken."

A worker who is pregnant is entitled to the following legal guarantees:

1. Paid leave for the birth period (eight weeks), at full pay.

2. Paid leave in the event of abortion (from two to four weeks).

3. Free time with pay during the nursing period (30 minutes each day in the child's first six months of life).

4. Prohibition of dismissal because of pregnancy or lactation.

5. A ban on performance of certain types of work by women (night work, work in the paint industry, underground work, unhealthy or dangerous work or work requiring great effort).

6. Penalties and checks to avoid non-observance of the regulations.

There are other regulations relating to women and the family, such as the family subsidy, a social benefit payable in cash, in kind or in services, with the aim of promoting the economic, moral and cultural strengthening and integration of the family as the basic social nucleus.

Decision 536 of 1974 extended social security coverage to the family as follows:

"Children of insured persons covered by general sickness and maternity insurance shall be entitled during the first year of life to the necessary medical, surgical, pharmaceutical and hospital care, as well as the corresponding paramedical services and auxiliary diagnostic and treatment facilities."

Application

Family medical insurance includes the medical care benefits provided for the insured and the family of the insured.

The following shall be entitled to these services in kind:

(a) Wife;

(b) Life partner;

(c) Natural or adopted legitimate children under the age of 18 years or of any age if disabled;

(d) In the absence of a wife or children, the mother of the insured;

(e) The disabled husband of the insured.

It should be noted that these services are not extended to the husband. A working woman can avail herself of the extensions to the insurance only for a "disabled husband". There is no mention of the possibility of extending cover to the "life partner".

Law 27 of 1974 provided for the establishment and support of Pre-School Comprehensive Care Centres, now known as Child Care Homes. Approximately 1,600 such centres located throughout the country provide care for almost 200,000 children each year. In these centres specialized personnel care for minors through programmes and services to provide nutrition, to stimulate interest at an early age, to furnish medical attention and to provide education.

In carrying out these programmes emphasis was placed on family education and community participation in the Child Care Homes, which generated a considerable degree of support for the implementation of new approaches to care for minors and the family.

With the passage of time, the Child Care Homes have become a true motive force for progress in the community. They are the starting point for the development of community programmes and initiatives in favour of minors and the family and, in addition, they bring about changes in attitude among members of the community.

There are groups of children who require affection, care and protection, such as those who do not have a normal home life and are deprived of the natural care of their parents or are adversely affected by the harmful influence of their own families.

Their situation makes these minors particularly vulnerable and they are in continuous conflict with their family and social environment.

Consequently, the approach most widely used to help to find a partial or temporary solution to the problem of such minors involves precisely those programmes carried out by the institutions set up to protect, re-educate or rehabilitate minors under the aegis of the National Family Welfare System.

Another service providing care for minors is the Centre for Information and Return of Lost and Exploited Minors (CIRMEX).

The Institute's emphasis on kindergartens is part of the approach designed to provide overall child care. The purpose is to develop the child's capabilities in the areas of physical, mental and social well-being and to develop a whole range of activities involving the family and the community. This new approach to pre-school education as a service, not merely for the child, but also for the child's social and family environment (with emphasis on nutrition and teaching) reflects State policy regarding the development of minors.

Law 7 of 1979 set standards for the protection of children and the reorganization of the Colombian Institute of Family Welfare.

Article 3 of this law provides: "Every child has the right to participate in the State programmes and in the basic education provided for Colombians, without distinction of race, colour, sex, religion, social status or origin."

Article 4 provides: "From their conception, in or out of wedlock, all children have the right to the special care and assistance provided by the State."

The Government will endeavour to eliminate all forms of discrimination in the legal framework relating to the family and all differences in status between children.

Article 6 provides: "Every child has the right to education and to social assistance and welfare. It is the task of the State to provide schools, school meals, child protection and, in particular, care for disabled minors who need special attention."

Statistics

Table No. 5 indicates the numbers of zonal and local centres and the coverage provided by the child care homes.

Table No. 5

Zonal and local centres and child care homes

Region	Regional code	Number of zonal centres	Number of local centres	Number of child care homes	Child care homes (coverage)
Antioquia	05	12	2	221	24 096
Atlántico	08	4	1	73	8 664
Bogotá	11	10		108	36 698
Bolivar	13	9		129	4 870
Boyacá	15	8		40	6 603
Caldas	17	7		32	6 098
Cauca	19	5	2	35	9 213
Caquetá	18	2		17	1 827
Cesar	20	3		31	3 457
Córdoba	23	4	2	47	7 167
Cundinamarca	25	9	2	43	8 159
Chocó	27	2	2	55	8 568
Guajira	44	3		33	5 968
Huila	41	4	4	53	7 720
Magdalena	47	5	2	23	3 080
Meta	50	3	1	25	6 173
Nariño	52	6		42	11 641
N. Santander	54	5		44	3 913
Quindío	63	2	1	25	4 018
Risaralda	66	3		28	3 630
San Andrés	88	1	1	3	974
Santander	68	5	3	59	8 842
Sucre	70	2	1	37	4 214
National Territories	72	10	3	25	4 539
Tolima	73	5	4	37	4 982
Valle	76	7	6	107	29 466
Total		136	37	1 372	224 585

ARTICLE 12

1. States Parties should take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

ARTICLE 12 - HEALTH

General statement

Access to medical services on an equal footing is guaranteed by law and women are cared for by departmental hospitals and health centres administered by the Ministry of Health. Health is also covered by the Institute of Social Insurance, the National Social Security Fund, the National Institute of Health, the National Institute of Municipal Development, the National Plan for Paediatric Emergencies, the National Hospital Fund, the Immunization Programme, the National Institute of Cancerology, the Care for the Elderly Plan, the National Rehabilitation Service, the Specialized Malaria Service and the Health Development Intensification Plan, etc.

The national health policy lays down that access to health services must be available to all citizens, priority being given to those groups of the population having the largest proportion of persons under 15 years of age, mothers and children and the working population. The services related to pregnancy, birth and post-natal care are provided by the Institute of Social Insurance and the health centres and hospitals administered by the Ministry of Health. The Colombian Institute of Family Welfare, the National Food and Nutrition Plan and the Integrated Rural Development Programme are designed to improve the nutritional level of the Colombian population, particularly minors and women during pregnancy and lactation.

Legal provisions

In May 1984, the Ministry of Health made the following observations at a meeting of family planning experts:

(a) Family planning is the fundamental right of the individual or couple to make a free and responsible decision regarding the number of and interval between their children;

(b) It is the duty of the state health agencies to offer family planning information and services, with special reference to pre-conception and fertility regulation, pointing out the advantages and risks of reproduction in specific personal and family circumstances.

The Ministry's decision No. 08514 of June 1984 governs the provision of fertility regulation services: "Article 2. The Ministry of Health, as the body responsible for the country's health policies, hereby establishes the following rules for the provision of fertility regulation services:

1. Fertility regulation services must be integrated with other aspects of health care for persons of reproductive age.

2. Fertility regulation services must form part of the functions and activities of the members of the health team and must comply with the standards of professional ethics and public morality.

4. Users of irreversible methods must complete a consent form.

6. Information on fertility regulation methods shall be provided by the Ministry of Health in an up-to-date brochure, indicating available methods, risks, benefits and drawbacks.

7. It is the responsibility of the officials involved in offering these services not to exert any pressure on users to select a particular method.

11. None of the funds allocated for these services may be used to develop and apply procedures whose use has not been authorized in the country of origin or to promote experimental procedures for fertility regulation techniques, with the exception of supervised research which the Ministry of Health considers to be in the public interest."

Application

The programmes in the field of nutrition implemented by the Colombian Institute of Family Welfare include the following:

(a) School meals service in rural and urban areas;

(b) Maternal and child care;

(c) Nutritional support in convalescence;

(d) Production of the plant mixture known as "Bienestarina";

(e) Nutritional education and provision of foodstuffs under the Rural Integrated Development Project (DRI) and the National Food and Nutrition Plan (PAN);

(f) Additional nutritional support for indigenous communities and old people's homes;

(g) Economic and Social Development and Food Support project (CADESOC).

The out-patients' nutritional support programmes have been expanded and now serve about a million children and nursing mothers.

Regarding access of couples to family planning services, the Colombian delegation to the World Population Conference held in Mexico City (1984) summarized the official programme as follows: "Colombia considers fertility control methods to be a health service and policy of the Ministry of Health which must be offered within the context of overall health care for mothers, children and adults.

The Government is devoting the closest attention to the question of population and is furnishing to citizens, free of charge, objective, scientific and unbiased information so that each individual or couple may in complete freedom, in accordance with Colombia's democratic system, select the methods they consider most suitable and appropriate. At no time and in no circumstances is there any insistence or persuasion, much less obligation, for any person to use any particular method or system."

A surprising feature of the demographic situation in Colombia in 1985 was that the total population was 27,837,932, indicating that the annual growth rate had dropped to an unbelievable 1.5 per cent, in contrast to the absurd level of 3.4 per cent in 1964, which had given rise to so much comment and well-merited criticism at the time. The State allocates 4.77 per cent of the national budget for implementation of and 4.42 per cent for investment in health programmes. The drop in population growth in the 21-year period (far less than a single generation) was 56 per cent. The average number of children per woman declined from 5.3 to 3.2. The principal force behind this decisive demographic revolution has been the Welfare Association for the Colombian Family (PROFAMILIA), a non-profit, non-governmental agency whose objectives since 1965 have been:

- To promote and defend the human right to family planning in Colombia and to offer information and services in that field.

- To improve maternal and child health by rationalizing the number and spacing of pregnancies.

- To disseminate knowledge and information regarding the possible effects of the demographic situation on social and economic development, both in Colombia and throughout the world.

Statistics

The PROFAMILIA report of February 1987 indicates that, in Colombia, more than 60 per cent of women living in union are using family planning methods. During 1986, the number of new users reached the record level of 120,458 and check-ups totalled 207,825. Cases of women's surgery continue to increase, with 59,681 fallopian tube tie-off operations in 1986. Men's clinics carried out 2,201 vasectomies. The official contraceptive distribution programmes accounted for sales of 4,027,627 packs of pills and 3,491,253 condoms, as well as of a considerable number of other contraceptives.

The main contraceptive methods used in 1986 were as follows:

Table No. 6

Contraceptive methods

Method	Percentage 100%
Voluntary sterilization	28%
Pill	26%
Inter-uterine devices	17%
Condoms, injectable substances, diaphragm	19%
Natural methods	10%

It is worth mentioning the participation of other non-governmental organizations which are also working in the area of family planning and providing guidance on human sexuality and reproductive health with a view to bringing about a change in the mentality and attitude of women with regard to their sexuality and reproductive behaviour.

Table No. 7

Fertility rates - average number of children per woman (1985 10%)

Region	Fertility	Number of children
Atlantic		
Guajira	2.3	3.54
Cesar	2.5	3.95
Magdalena	2.5	4.01
Atlántico	1.9	3.11
Bolivar	2.2	3.69
Sucre	2.4	4.07
Córdoba	2.3	3.90
Total	22.0%	3.67%
Central		
Antioquia	1.9	3.31
Caldas	2.0	3.32
Risaralda	1.9	3.02
Quindio	1.9	2.91
Tolima	2.2	3.65
Huila	2.4	3.06
Caquetá	2.5	3.83
Total	2.0%	3.30%
Eastern		
N. Santander	2.3	3.87
Santander	2.1	2.67
Boyacá	2.3	4.48
Cundinamarca	2.1	3.75
Meta	2.3	3.31
Total	2.2%	3.01%
Pacific		
Chocó	2.6	4.60
Valle	1.9	2.99
Cauca	2.3	4.07
Nariño	2.0	4.48
Total	2.0%	3.47%

Table No. 8

Average number of children per woman: comparison 1973-1985 - 10%

Region	1973	1985
Atlantic	5.2	3.6
Eastern	5.9	3.1
Central	5.5	3.3
Pacific	5.3	3.4

Table No. 8 shows that the average number of children per woman has fallen over the years.

ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

ARTICLE 13 - ECONOMIC AND SOCIAL LIFE OF WOMEN

Statement

The right of women to receive family benefits is expressly guaranteed by Decree 249 of 1957 (article 2).

Legal provisions

Article 2 of Decree 249 of 1957 provides as follows:

"The right to a family allowance is given to all permanent workers of either sex, regardless of their working hours, who have in their care legitimate or natural children recognized in any of the ways specified in Law 45 of 1936, who are economically dependent on them and who are under 18 years of age or are unable to work because of disability."

Application

The other social benefits are also available to men and women on a basis of equality.

Statement

(b) The right to obtain bank loans, mortgages and other forms of financial credit is governed by the rules of the Commercial Code and the Civil Code which apply to both sexes.

Legal provisions

Decree 837 of 1971, which provides for publication of the official version of the Commercial Code, revised and corrected by the Council of State.

Article 28 of Law 67 of 1941, whereby the Government submitted the official version of the Commercial Code to the Council of State for revision.

Decree-law 410 of 1971 - Commercial Code, official version.

Statement

(c) The right of women to take part in recreational activities, sports and all aspects of cultural life is also set out in the statutes of the various institutions responsible for such activities under the aegis of the Ministry of Education.

Legal provisions

1. The Coldeportes sports programme.

2. Recreational holidays.

3. Leisure and open-air activities (Salitre).

4. Statutory and compulsory physical education classes and basic and secondary education.

Application

Sport for young people in Colombia has been promoted by State and private agencies. Private enterprises have set up sponsorship and promotional programmes for the achievement of competence in the various areas of sport.

Coldeportes has developed a programme to promote various sports activities in local stadiums which have appropriate facilities and equipment.

The local councils have programmes for holiday periods and recreational activities with the following aims:

1. Broad and direct knowledge of the locality and its surroundings through excursions, visits to museums, parks, etc.

2. Promotion and diversification of sport among young people, knowledge of the rules and awakening of individual preferences for specific sports.

The district schools have recreation and sports centres which have gymnasiums, sports fields and instructors for each sport. The aim is to encourage sporting competence that will promote recreational and cultural interest among young people.

The various family compensation funds to which enterprises affiliate workers and their families have created recreation areas and facilities for cultural integration and they have increased the availability of sports events at the local level.

One of the main objectives of the Colsubsidio Family Compensation Fund is to make more cultural activities, both national and international, available to its members at a very low cost.

ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform, as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

ARTICLE 14 - RURAL WOMEN

Statement

1. The National Council for Economic Policy has approved agrarian policies for rural women. These policies were approved by CONPES on 18 May 1984.

These texts reflect the broad sweep of agrarian policy, in which rural women play a predominant part, indicating the scope of their role and their impact.

Legal provisions

Law 135 of 1961 on Agrarian Reform, which sought to distribute property in such a way as to achieve a fairer and more extensive distribution of income, with a view to expanding the market for manufactured products and foodstuffs.

The 1970s marked the beginning of open stimulation of the development of commercial agriculture and the concentration of property.

For the rural economy, one result of this policy was an increase in the drift from the country to the towns and a rapid proletarianization of the rural population.

Laws 4 and 5 of 1975 gave effect to the Chicoral Agreement as an instrument of the new policy. Plans were drawn up to promote the mechanization of farming, with emphasis on productivity. Although this could solve investment problems, it aggravated the problem of the structure of the rural economy. Development credit was also made available for farming and livestock raising activities. In spite of this change of direction, the rural economy retains its impact on the agriculture as a whole and its production dynamism has brought it back to the forefront of subsequent farming policies.

The Rural Integrated Development Project (DRI) has been established as a State alternative to agrarian reform.

In Colombia the DRI is seen as a key component of production under the National Food and Nutrition Plan (PAN). This plan was drawn up in response to the poor nutritional situation of the labour force, which had serious consequences for production, as well as effects on training and education, not to mention creating high health costs for large sectors of the population. It was therefore assumed that the rural economy could generate a certain measure of productive employment and absorb technology. The State drew up a series of measures to be taken in favour of the DRI target population in the areas of credit, technical assistance, social services and infrastructure to expand production and productivity.

The basic aim of this programme was to strengthen the income level of the rural producer, generate productive employment with a view to transforming chronic family underemployment into full family employment (including an increase in the wage-earning labour force), improve the quality of life, organize country dwellers, increase production and rationalize the market. With these aims in view, a range of sub-programmes was developed covering such areas as production, marketing, infrastructure, community development and social development.

Through the policy for women in rural areas, to involving agriculture and livestock raising and through the DRI programme, primarily responsible for the execution and co-ordination of the policy of integration, the State discovered the existence and presence of rural women, found that the rural economy was based on family labour, and came to realize the outstanding role played by women. The development of agro-industry was studied, as well as its contribution to employment, particularly in flower cultivation in the Sabana de Bogotá area.

The policies in relation to rural women, which the Government has approved, fall within the framework of the general aim of expanding the agricultural and livestock sector and training women for agro-industry, in order effectively to develop the agricultural economy.

Statement

2(a) Through their participation in the supply of foodstuffs, women are assuming increasing responsibility for production and they are beginning to have an economic importance which transcends mere considerations of social justice in Colombia.

The objective of this policy is to modify current conditions of economic and social participation by rural women so that their productive labour may be made more efficient, the supply of foodstuffs may be increased and the quality of life of women and their families may be improved.

Consequently, the first step to be taken in order to achieve this improvement is to tailor current agriculture and livestock policy structures to the specific conditions of women working on small farms. It was felt that explicit guidelines were needed to ensure women's access to credit, land, technical assistance, agricultural research, etc. Some programmes in line with this strategy are being carried out by the Ministry of Agriculture (e.g. rural housing and technological training) while others in the areas of health, nutrition and formal education remain the responsibility of the agencies executing social policy, supported by private organizations, such as the Federation of Coffee-Growers, which has 116 projects for the rural community, with particular reference to rural women.

The so-called "Women and Flowers" project in the Bogota savanna area has been very effective in generating employment, since flower growing is an activity requiring intensive use of unskilled labour, involving a large number of people, mainly women, to deal with the rapid growth in this sector.

Statistics

About 75 per cent of the persons employed are women and the enterprises show a preference for female staff because they are more suited to delicate tasks. Nevertheless, it is possible that their greater availability and the fact that they demand less wages than men may be decisive underlying factors.

The large-scale employment of women in flower growing has had a considerable impact on family income levels, on family relationships and on the attitudes of fathers and husbands to women's work. The women workers have also been at least partially able to provide homes, even if this has involved undertaking a double working day, because of their domestic obligations.

Of the women taking part in this project it has been ascertained that over half (59.9 per cent) are single, nearly a quarter (23.7 per cent) married, 14.2 per cent living in free union, 2.3 per cent widowed and the remaining 2.9 per cent separated. There is a slight difference in the proportions of single women and women living in free union as between those employed by small enterprises and those employed by large concerns. In the former, these percentages are 60.4 per cent and 9.4 per cent respectively, whereas they are 55.9 per cent and 14.8 per cent respectively in the large concerns.

The general distribution of the number of children is as follows: 75 per cent have two children or less, 18.8 per cent have three to five children and 5.6 per cent have more than six children.

The children who do not attend school are cared for by family members (in 57.5 per cent of cases), friends (13.3 per cent) or day nurseries (9.29 per cent). In 20 per cent of cases, the children are left alone in the home, which places the mothers in a situation of stress.

Most of the women involved in this project live in rural areas (62.5 per cent, compared with 37.5 per cent who live in urban areas). However, in the small-scale enterprises the proportions of women workers who live in rural areas are 70.5 per cent, 66.8 per cent and 57.7 per cent respectively.

There are no crèche facilities in the small-scale enterprises. Only in some large concerns and a very few medium-sized enterprises are there crèches.

The medical service provided is considered good and acceptable by 85.9 per cent of the women workers in the small-scale enterprises, 80.9 per cent in the medium-sized enterprises and 38.7 per cent in the large enterprises.

The training facilities in the flower growing enterprises are not adequate. Apart from this programme, others are being implemented directly in the rural coffee-growing zones and the economic support they receive depends on local coffee production, since they are administered by the National Federation in conjunction with the State agencies.

Although the policy in favour of rural women is an advanced one in its attempt to integrate them in development, it is encountering structural obstacles in Colombia's agrarian policy and the entrenched patriarchal view of society is a further brake on progress in the cultural, social and political development of rural women.

Table No. 9

Employment trend in flower growing for export

Year	Production	Employment
1970	736	699
1971	1 544	1 350
1972	2 193	2 900
1973	5 578	5 700
1974	10 367	8 350
1975	11 535	10 500
1976	14 670	14 700
1977	18 552	21 000
1978	26 367	25 000
1979	33 204	31 300
1980	41 477	40 000
1981	51 847	49 955
1982	64 809	62 399
1983	81 011	77 952
1984	101 264	97 395
1985	126 580	121 699

It will be seen that production rose substantially in 1985 and the employment in that year was more than 100 times greater than in 1970.

Statement

(b) The National Federation of Coffee-Growers, a private organization benefiting from the support and assistance of State agencies, is implementing "women's programmes" which are almost nationwide in scope. The objectives of these

programmes include the provision of information on and instruction in family planning, social assistance, community integration and specific guidance on harvesting, planting and preventive measures for crops.

For guidance on family planning matters, offices have been established at the national level with representatives who are responsible for this training or for finding suitable staff to provide it.

Through these agencies, and according to the needs of the different geographical areas (climate, customs, etc.), the Ministry of Health has been carrying out vaccination campaigns and providing information on prevalent local diseases.

The provision of information, advice and services in the area of family planning has been one of the main objectives and some success has been achieved in making rural women aware of planning methods.

Other non-governmental organizations are also publicizing the various preventive planning methods. These have their offices in the main towns but also move out into rural areas. However, they cannot maintain continuity in their educational planning programmes being hampered by the cost of penetrating the rural areas.

Statement

(c) The countryside and, in particular, certain specific areas of Colombia (Magdalena Medio) have been the focus of opposition to the Government. It is particularly in such areas that the Government has had to issue regulations for the maintenance of public order, with the result that country dwellers have sometimes had to leave their land.

Legal provisions

Even though draft law No. 62 of 1986 on agrarian reform sought to create equality between men and women in rural areas, the present aim is that all new legislation should take account of the special problems connected with women's important role in the economic survival of the family and their work in the non-monetized areas of the economy and should, above all, ensure for them equality in their participation in rural development.

Application

The organization of rural women was given impetus by the first meeting of rural women held in Bogota in late 1984 and by the project of the Ministry of Agriculture and UNICEF to establish a national committee and to promote similar developments at the regional and local levels. In carrying out these activities use has been made of educational material such as the film "Rural Women" by the Cine-Mujer Collective and the "Working guidelines for regional workshops of rural women leaders" (May 1975).

Law No. 62 of 1986 could be supplemented in order to correct the current inequality of conditions and structures which are affecting rural women and making them remain second-class citizens. This is why it is important to guarantee rural women access to land, capital, technology, specialized knowledge and productive resources.

Practical measures must also be taken to fix a fair remuneration (either in cash or in kind) for domestic or farming work under specific conditions. Similarly, there must be provision for rural women to have legal representation in self-help groups or rural women's co-operatives or on the Executive Board of the Colombian Institute of Agrarian Reform (INCORA).

Statement

(d) A primary concern of the current reform effort has been the orientation of the technical assistance given to rural women, which ranges from employment of women in order to break down cultural barriers in certain areas to the development of technological product packages in areas where female labour is predominant. Other features have been literacy campaigns, improvement of equipment for domestic work and promotion of women's organizations.

As part of its extension programmes, the National Federation of Coffee-Growers has produced an audio-visual teaching aid entitled "The Adventures of Professor Yarumo" with the principal aims of "introducing children, young people and adults to an understanding of their immediate situation by studying the links between man and his environment: home and school against the background of the city, village or countryside; showing Colombians that their nation is a mosaic of regions, subregions and micro-regions characterized and differentiated by their people, climate, soil and natural resources - that it is a young country with a promising future on the world stage".

The general objectives of the programme include:

1. Development of an awareness of the country's natural resources through:

   - The natural phenomena making up the environment, such as its abiotic components: water, soil and energy (the physical environment);

   - The biotic components: plants, animals and micro-organisms (the biological environment);

   - Man as a transformer of the natural, economic and social environment (the social environment).

2. Making use of the audience's immediate surroundings as a reference point for explaining the importance, effectiveness and productivity of natural resources.

3. Guiding and promoting positive action towards a solution of environmental problems with a view to enhancing the quality of life.

This project was developed for application at all levels in Colombia but, according to research carried out in January 1987 by the National Research Centre, the majority of the television audience consists of women.

Table No. 10 shows also that the programme's audience is mainly to be found in rural areas and an effort is being made to take advantage of this situation and use it to develop technical training activities for rural women and to promote community integration.

In 1980, with the support of the Ministry of Education, the Ministry of Agriculture and non-governmental agencies, the National Educational Plan ("CAMINA") was established with the fundamental aim of providing basic primary school courses for the Colombian people. This programme made use of all the communication media and consisted in developing educational curricula supported by television, radio and supplementary materials to back up the broadcasts.

The "Simón Bolívar" national educational programme, which was launched in 1985, adopted a special method in rural areas, the armed forces being used to provide basic education in zones of difficult access or lacking educational facilities.

Statistics

Table No. 10

The adventures of Professor Yarumo

Audience and acceptance

Source: National Research Centre - January 1987

Persons	%	Men	%	Women	%
Households	93.3	12 to 17 years	3.9	12 to 17 years	6.4
Men	3.5	18 to 24 years	3.4	18 to 24 years	6.5
Women	5.2	25 to 39 years	1.9	25 to 39 years	4.8
Children	4.8	40 years or over	4.5	40 years or over	4.2

Socio-economic category	%	Results by region	%
Upper	3.9	Bogotá	4.7
Middle	2.7	Atlantic	1.6
Lower	7.4	Pacific	4.7
Heads of households	4.1	Centre East	4.2
Housewives	5.0	Paisa	5.6

Urbanization level	%	Level of education	%
Cities	4.2	Primary	4.6
Towns	3.8	Middle	4.5
Small towns	5.9	Higher	4.1
Rural areas	7.4		

Statement

(e), (f) Women are active in agriculture and livestock raising and are adapting themselves to the social and demographic changes that have taken place in rural production, the salient features of which are as follows:

1. Significant participation by women in rural production, above all in the capacity of family helper and self-employed worker;

2. Reduction during the 1960s of the fertility rate of women aged over 30 years, the group which played the greatest part in production over the same period;

3. Greater migratory mobility of young women, with adult women, mothers and producers remaining in the rural areas.

Women too are working on the family plot and assume a considerable part of the responsibility for farming and livestock raising. They generally carry out this work as unpaid family helpers.

From this it may be concluded that it is not necessary to encourage women's work, since their contribution is already a significant one, but that there is a need to encourage greater productivity, considering women to be direct agents of development and not merely beneficiaries of social welfare. The plans traditionally implemented by certain public and private agencies "to integrate women in development" are characterized by a basically existentialist approach and women are provided with services and guidance in the areas of health, nutrition, food preservation, home improvement, water purification, dressmaking and handicrafts, embroidery, card making, doll-making and child care.

This rural extension approach which has been adopted places emphasis on persuading and assisting farmers to increase farm production by the adoption of better practices and techniques, and also on improving family living conditions by giving women courses in home economics and training modern young farmers in young people's clubs.

Identity, independence, awareness and organization developed in real-life situations is facilitating the approach to implementation of the agrarian policy.

The type of organization being set up, with national, regional and local committees is focused only on technical and economic defence of the policy, whose projection would not be strong enough to counter the patriarchal view of society.

Statement

(g) The specific measures of greatest overall importance are those related to land, technical assistance and credit. The legal reforms are designed to improve women's access to land ownership by guaranteeing them not only the possibility of taking part in agrarian reform programmes as direct beneficiaries, but also by making them the natural heirs to the estate upon abandonment by or death of the life partner. In the case of credit, institutional changes are needed to make it possible to expand available resources and adjust guarantees to the female worker's conditions of work and capacity to pay.

The advances in the application of this policy which have been achieved in a short period of time are revealing and relate primarily to institutional impact, in so far as the executing agencies have begun to tailor their programmes and personnel teams so as to reorient their traditional work with rural women. There

is now a Rural Integrated Development Project (DRI) line of credit in the Agrarian Fund (No. 120 of December 1984) and a rural women's line of credit has been opened in the Agrarian Fund, so that women may obtain loans independently. The guarantees have been adapted to women's working conditions and the work has started on strengthening the organization and training of rural women, with technical co-operation and expanded coverage beyond the scope of the DRI programmes, under agreements with the Colombian Institute of Agrarian Reform (INCORA).

Supervisors at the regional or local level who reject or hinder the implementation of the new rules on independent credit for women, or who adduce cultural difficulties with the policy as being contrary to family unity, are projecting their own ideological resistance. Moreover, when women responsible for social assistance programmes, in identifying the production areas of rural women reproduce the traditional areas of women's work without including broad participation of women in other activities, they are reflecting ideological confusion resulting from their own cultural outlook.

The programmes which seek to improve the economic opportunities for rural women clearly imply changes in the political and social relationships between the men and women covered by the programmes. These involve a restructuring of society's cultural values when the development agencies are not inclined to alter the cultural variables. The agents of change are therefore reluctant to be involved in programmes of this kind. This phenomenon is not studied in depth when the change has a direct impact on the sexual roles of the beneficiaries and also questions those of the executing agents.

If, in addition to officials losing their ideological rigidity, women exert pressure by expressing their identity, this will go some way towards bridging the gap between intention and execution.

Statement

(h) The steps taken in favour of rural women with regard to poverty, living conditions and economic development have contributed to the development of a concrete policy for rural women. Its implementation must, however, be more than a mere technical and economic exercise. It is necessary for the executing agents and especially those who have direct contact with rural women and families, to resolve certain aspects of their own identity if they are to be effective in their work.

The provision of the coverage envisaged is a serious preoccupation in view of the limited resources allocated for social development projects and the country's present economic crisis.

In its report of February 1985, the Rural Integrated Development Project (DRI) referred to the budgetary shortfall for the project on women in the following terms: "In 1985 the project did not have ordinary basic resources, merely 26,566 million in external resources. An additional sum of 76,000 million was envisaged. If we consider that the operating costs for the social component of the principal executing agency, the Colombian Agricultural Institute (ICA), amount to some 55,000 million, the budgetary shortfall is obvious."

Statistics

The coverage provided by the Colombian Institute of Agrarian Reform (INCORA) relates to technical assistance and individual credit.

Table No. 11

Cover

Period	1984-1985	1985-86-87
DRI - ICA	10 500	3 500
DRI - INCORA		
INCORA	1 316	1 500

PART IV

ARTICLE 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

ARTICLE 15 - EQUALITY BEFORE THE CIVIL LAW AND NULLITY IN CASE OF DISCRIMINATION

Statement

1. and 2. Men and women have equal status before the law. Article 33 of the Civil Code provides that the terms man, person, child, adult and other similar terms which apply generally, to individuals of the human race, without distinction of sex, shall be understood to include both sexes in legislative provisions unless the nature of the provision or the context clearly restricts the term in question to a single sex.

Legal provisions

Decree 2820 of 1974 grants equal rights and obligations to women and men, legally establishing equality of men and women to sign contracts, administer property and receive equal treatment in the courts and in other civil and family matters.

Application

Article 1503 of the Civil Code states that: "every person is legally capable, except those who are declared to be incapable by law".

Since 1974, women have ceased to be considered as "relatively incapable" alongside adult minors who have not reached legal age and spendthrift individuals under legal restriction.

Statement

3. In guaranteeing equality of rights and obligations, Decree 2820 of 1974 prohibits any contract tending to limit the legal capacity of women by treating it as unlawful.

Article 1519 of the Civil Code provides as follows: "Anything which contravenes the public law of the nation is unlawful. Hence, any promise to submit oneself within the Republic to a jurisdiction which is not recognized by the laws of the Republic is null and void because of defect of the object."

Statement

4. The Civil Code expressly grants men and women the same rights with regard to the movement of persons and choice of residence and domicile. Article 179 states that: "The husband and wife shall determine the place of residence of the household. In the event of the absence, incapacity or loss of liberty of either of them, the other shall determine it. If agreement cannot be reached, a judge shall determine the place of residence, having regard to the interest of the family."

ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

ARTICLE 16 - MARRIAGE AND THE FAMILY

Statement

(a) and (b) Under the Colombian Civil Code, the rights arising out of marriage and the obligations attaching thereto have the character of a contract which must satisfy the legal conditions therefor.

Legal provisions

Article 113 of the Civil Code defines the concept of marriage in the following terms: "Marriage is a solemn contract whereby a man and a woman unite for the purpose of living together, procreating and helping one another."

Article 116 of the Civil Code states: "Persons over the age of 18 years may freely enter into marriage."

Application

In Colombia the legal act of marriage may be performed in the following ways:

(a) Catholic marriage. This marriage is performed before the Catholic church by fulfilment of the requirements of the act of marriage and produces the civil law effects set out in law;

(b) Civil marriage. This is performed in the presence of a civil judge with appropriate competence and produces legal effects for the contracting parties.

For a Catholic marriage to be considered legally valid it must be registered with a competent notary. It is important that this registration be affected once the Catholic ceremony has been performed because, otherwise, in the eyes of the law the marriage will have no legal effect and, consequently, any change or modification in the civil status of the contracting parties will not be recorded in the relevant register.

Since marriage is a solemn contract, it must fulfil the requirements of action and volition set out by law in article 1502 of the Civil Code. These requirements are:

1. That the contracting parties shall have legal capacity;

2. That they shall consent to the act or declaration and that nothing shall render such consent defective;

3. That the object shall be lawful;

4. That the cause shall be lawful.

The free consent of the parties is therefore one of the requirements for marriage, as a legal act, for fulfilment of the conditions of the law.

The term "marriage" distinguishes two quite different things: (a) the institution of marriage, i.e. the set of rules governing the social organization of the union of the sexes; (b) the special legal act expressing the joining of the future spouses in the institution of marriage. The term may also have a third meaning: the solemn contract whereby the future spouses determine in advance the legal status of their property during the marriage or in the event of its dissolution.

Statement

(c) Until 31 December 1932 the matrimonial régime applied in Colombia under the Civil Code consisted in the formation of a conjugal community of property to be administered exclusively by the husband, who freely administered not only the joint property but also the property of the wife.

Moreover, article 1808 of the Colombian Civil Code provided that "the wife herself has no right whatsoever over the communal property during the period of the community of property". This article, too, was repealed, because it was unlawful and because it conflicted with the exercise of women's constitutional and civil rights.

By virtue of marriage, a woman became legally incapable and her civil personality was diminished (article 1504). She was thus prevented from signing any legal document, even one connected with her own property. The supreme power of the husband lasted until 1933.

Legal provisions

Decree 2820 of 1974 granted equal rights and obligations to women and men and was amended in accordance with Decree 720 of 1975.

Article 23 of the above-mentioned Decree provides: "By joint agreement the parents shall control the education of their minor children and their moral and intellectual upbringing in the way they deem most appropriate for them; they shall also co-operate in raising, supporting and establishing the children."

Article 124 provides: "It is the joint responsibility of the parents to exercise parental authority over legitimate children. In the absence of one of the parents, the other shall exercise this authority."

Article 26 provides: "The father and mother shall share equally in the usufruct of all property of the children of the family, except ..."

Article 32 provides: "The parents shall be responsible, in administering the property of the children, for any reduction or deterioration thereof resulting from fault, however slight, or deceit."

Application

In the event of separation or dissolution of marriage the following situations apply:

(a) Catholic marriage. In this type of legal union, account must be taken of the ecclesiastical rules in force. The procedure for separation is as follows.

Division of property. This may be effected by mutual agreement between the parties, in which case it is carried out before the competent local notary, an accurate inventory being drawn up of all property acquired during the marriage and the fruits of property acquired outside marriage. This liquidation is divided into equal parts (liabilities and assets) on the basis of equality of rights and obligations in respect of debts and profits.

When division of the property is not effected by mutal agreement the relevant legal procedure must be followed before the court having jurisdiction in such matters.

The children always remain under the authority of the mother, unless the father applies for this right or continues to ensure their economic, moral, cultural and social protection.

For separation of the spouses, the relevant procedure must be initiated by evoking one or more of the grounds provided for by law and following the procedure indicated by the superior (civil) courts.

In the case of annulment, the primary objective is to make the existing marriage ineffective.

Article 140 specifies the grounds which may be invoked in seeking annulment, which are the only grounds accepted in law. The judge must declare the grounds to exist if he is informed of them by persons other than the parties and they shall always be taken into account in the application of annulment of civil marriages.

Statement

(d) The legal spirit of Law 45 of 1936 gave initial recognition to the concept of natural filiation.

Legal provisions

Law 45 of 1936 has a high social purpose. It can be interpreted only in a limited manner, restricted to its literal context, because it is an exceptional provision requiring a restricted interpretation.

A legitimate child who is not a bastard may be acknowledged and thus acquire the status of a natural child in respect of the father who acknowledges him.

Application

An illegitimate child may become a natural child, although the illegitimacy subsists, if the father acknowledges him by means of the legal formalities, which are a testamentary act or public instrument inter vivos. Consequently, the law does not allow for the possibility that a child acknowledged in this way by his father may continue to be illegitimate, because the law specifies consequences of acknowledgement which the individuals concerned may not escape, since the consequences refer to civil status and are a matter of public order.

Law 29 of 1982 establishes the hereditary equality of legitimate and natural children.

Minor children are always legally protected so that they do not suffer the consequences of their civil situation, of separation of their parents or of ignorance of the identity of their parents.

Law 20 of 1982 establishes direct protection for workers who are minors.

It is anticipated that by 1988 regulations will be made under the Minors' Code to provide broad and full protection for minors with regard to any of its effects, conditions or cases.

Statement

(e) With regard to free and responsible decision as to the number of children, various programmes have been set up under State auspices to provide information and education. They are being carried out by non-governmental agencies. In this respect reference is made to the information provided with respect to article 12 of the Convention.

Statement

(f) The Colombian Civil Code deals extensively with the conditions and requirements for the guardianship, wardship, trusteeship and adoption of children.

Legal provisions

Article 587 provides: "Women may undertake guardianship, wardship and trusteeship responsibilities in the same cases as men and become of age to do so by marriage in the same way as men."

The Titles of the Civil Code mentioned below deal with responsibilities with regard to guardianship, wardship, trusteeship and adoption:

Title XXII - Supervision wardship and guardianship in general.

Title XIII - The proceedings and formalities to be accomplished in order to exercise guardianship, wardship or trusteeship.

Title XXIV - The administration of property by guardians and trustees.

Title XXV - Special rules regarding guardianship.

Title XIII, article 271 - "The husband and wife may adopt jointly, provided one of them is over 25 years of age."

Application

In Colombia adoption is a legal act whose occurrence has been increasing over the years. The Colombian Institute of Family Welfare provides advice and assistance in matters of adoption. In virtually all cases it is preferred that the adopted child go to a home where there is both a father and a mother, although many applications are made by single women, women who are separated, widows and others for the adoption of minors.

There are other non-governmental agencies involved in bringing together those who wish to adopt and possible adoptive children. For such agencies to be granted legal approval they must be non-profit-making, to ensure that there is no risk of them engaging in trade in children.

Statement

(g) Law 45 of 1936 had the effect of considerably extending rights, which were not, however, granted to women.

Decree 2820 of 1974 granted equal rights and obligations to men and women.

Article 10 of Decree 2820 of 1974 states: "Article 177 of the Civil Code shall provide as follows:

Any person who, in administering the property of a child, is guilty of gross negligence or fraud shall lose legal usufruct and the right to succeed the child as inheritor of the legitim or as heir to an intestate."

Since Colombia is a democratic country founded on constitutional bases of equality and freedom, women may, as citizens of a State ruled by law, exercise the right to choose a family name, profession or occupation.

Statement

(h) In Colombia women are protected by the National Constitution and the substantive laws in exercising the rights of ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Legal provisions

Law 28 of 1932 introduced a civil reform with regard to property and the civil law rights of women.

This law granted married women full capacity and is a cornerstone of the social recognition of women in the Colombian constitutional system.

Decree 2820 of 1974 extended the rights and obligations of women in relation to men.

Statement

2. Colombian law is clear and radical in limiting the ability of minors to enter into marriage. This is a protective measure since it is felt that such a union requires sufficient psychological maturity to be able to understand the responsibility and social purpose of marriage.

Legal provisions

Article 116 of the Civil Code provides that only persons aged over 18 years of age may enter into marriage.

Article 117 states: "Minors under the specified age may not enter into marriage without the express written permission of their legitimate or natural parents. If one parent is dead or is not in a position to grant this permission, the consent of the other parent shall suffice. In the event of disagreement, the will of the father shall prevail in all cases."

The subsequent articles set out the conditions, requirements and procedures for the celebration of marriage by a minor.

Application

In Colombia union in marriage, whether civil or canonical, is an institution which, in terms of number of inhabitants, number of children and number of united couples, is not of great concern to quite a substantial proportion of the population.

De facto union is frequent and its practical application has established customs, even though they do not find full support in law.

The woman or man who has lived for some time sharing his or her property, life and affection and even having children, also suffers from a de facto lack of protection in the event of dissolution or separation.

A study is currently being made of free union, with account being taken of the social conditions, the legal factors and the emotional stability of the persons involved. This study is being made by the National University and it will be submitted to Congress in its final form as draft legislation.